

CASE NO. 09-17-00125-CR

THE STATE OF TEXAS

v.

MARC DAVENPORT

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IN THE COURT OF
 COURT OF CRIMINAL APPEALS
 3/9/2018
 CRIMINAL APPEALS, CLERK
AUSTIN, TEXAS

MOTION TO EXTEND TIME TO
FILE PETITION FOR DISCRETIONARY REVIEW

TO THE HONORABLE JUDGES OF SAID COURT:

Now comes MARC DAVENPORT, Appellee in the above styled and numbered cause, and moves for an extension of time of 30 days to file a petition for discretionary review, and for good cause shows the following:

1. On February 7, 2018, the 9th Court of Appeals reversed the order of the trial court dismissing the indictment and remanded the case to the trial court in *The State of Texas v. Marc Davenport*, Case Number 09-17-00125-CR, 9th Court of Appeals, Beaumont, Texas. No motion for rehearing or en banc reconsideration was filed in the 9th Court of Appeals. The deadline for filing the petition for discretionary review is March 9, 2018. The deadline for filing a motion to extend time to file a petition for discretionary review is March 24, 2018.

2. Appellee is requesting additional time to file a petition for discretionary review. Counsel requests additional time to complete the brief in this case as this appeal involves the constitutionality of a statute and requires additional research and


briefing. Appellee's counsel also was preparing for trial on an Aggravated Sexual Assault of a Child under 14 years old in the 314th District Court in Harris County. Due to the amount of time necessary to prepare for trial, counsel needs additional time to complete the petition for discretionary review in this case.

3. No previous request for the extension of time to file a petition for discretionary review has been filed in this case.

WHEREFORE, PREMISES CONSIDERED, Appellee respectfully requests an extension of 30 days to file a petition for discretionary review.

Respectfully submitted,

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Associates
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By: 

Stephen D. Jackson
State Bar No. 00784324
Attorney for Marc Davenport

STATE OF TEXAS

COUNTY OF MONTGOMERY

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AFFIDAVIT

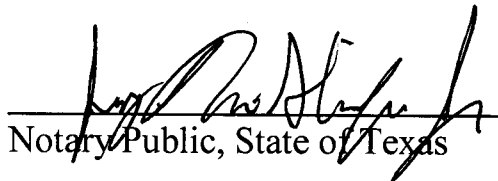
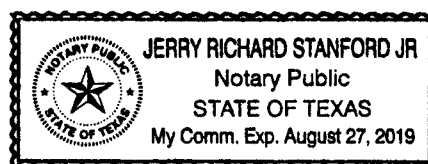
BEFORE ME, the undersigned authority, on this day personally appeared Paul Morrison, who after being duly sworn stated:

“I am an associate attorney for the attorney of record for the appellee in the above numbered and styled cause. I have read the foregoing Motion to Extend Time to File Petition for Discretionary Review and swear that all of the allegations of fact contained therein are true and correct to the best of my knowledge.”



Paul Morrison
Affiant

SUBSCRIBED AND SWORN TO BEFORE ME on March 9th, 2018, to certify which witness my hand and seal of office.


Notary Public, State of Texas

CERTIFICATE OF SERVICE

This is to certify that on 9 day of March, 2018 a true and correct copy of the above and foregoing document was served on counsel representing the State, by electronic service.



Stephen D. Jackson